

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Murgio	Team: Squad #2	CCRB Case #: 201908633	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/20/2019 2:15 AM	Location of Incident: East 233rd Street and Webster Avenue	Precinct: 47	18 Mo. SOL 3/20/2021	EO SOL 11/4/2021	
Date/Time CV Reported Fri, 09/20/2019 2:54 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/01/2019 12:38 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Adela Rodriguez	21879	959938	047 PCT
2. POM Michael Boom	02792	954562	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Boom	Abuse: Police Officer Michael Boom refused to provide his name to § 87(2)(b)	
B.POM Michael Boom	Abuse: Police Officer Michael Boom refused to provide his shield number to § 87(2)(b)	
C.POF Adela Rodriguez	Abuse: Police Officer Adela Rodriguez refused to provide her name to § 87(2)(b)	
D.POF Adela Rodriguez	Abuse: Police Officer Adela Rodriguez refused to provide her shield number to § 87(2)(b)	
E.POF Adela Rodriguez	Abuse: Police Officer Adela Rodriguez failed to provide § 87(2)(b) with a business card.	
F.POM Michael Boom	Abuse: Police Officer Michael Boom failed to provide § 87(2)(b) with a business card.	

Case Summary

On September 20, 2019, § 87(2)(b) filed this complaint with IAB. On October 1, 2019 the CCRB received the complaint via IAB log #19-35643.

On September 20, 2019 at approximately 2:15 am, Police Officer Adela Rodriguez and Police Officer Michael Boom, both of the 47th Precinct, stopped § 87(2)(b)'s vehicle at East 233rd Street and Webster Avenue in the Bronx.

During the stop, § 87(2)(b) allegedly asked both Police Officer Rodriguez and Police Officer Boom for their names and shield numbers and was told the information was on the summons (**Allegation A – Abuse of Authority – Refusal to provide name – § 87(2)(g)** and **Allegation B – Abuse of Authority – Refusal to provide shield number – § 87(2)(g)** and **Allegation C – Abuse of Authority – Refusal to provide name – § 87(2)(g)** and **Allegation D – Abuse of Authority – Refusal to provide shield number – § 87(2)(g)**

§ 87(2)(b) also allegedly asked Police Officer Rodriguez and Police Officer Boom for their business cards, and neither officer provided one (**Allegation E – Abuse of Authority – Failure to provide RTKA card – § 87(2)(g)** and **Allegation F – Abuse of Authority – Failure to provide a RTKA card – § 87(2)(g)** § 87(2)(b) received a summons § 87(2)(b) (Board Review 08).

§ 87(2)(b) provided two videos taken during the incident, which are attached to IAs #17 and 18 and summarized in IA #26 (Board Review 01). Body-worn camera (BWC) footage was obtained in the course of the investigation and is located in IAs #43 and 44 (Board Review 02 and 03) It is summarized in IA #45 (Board Review 04).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Michael Boom refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Michael Boom refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) provided a telephone statement on October 8, 2019 (Board Review 05) and a follow-up statement on October 10, 2019 (Board Review 06). She was interviewed at the CCRB on October 15, 2019 (Board Review 07). Police Officer Rodriguez was interviewed at the CCRB on December 5, 2019 (Board Review 10). Police Officer Boom was interviewed at the CCRB on December 5, 2019 (Board Review 11).

It is undisputed that at approximately 2:15 am on September 20, 2019, Police Officer Rodriguez and Police Officer Boom stopped § 87(2)(b)'s vehicle at the intersection of East 233rd Street and Webster Avenue in the Bronx. Police Officer Rodriguez issued § 87(2)(b) a summons for § 87(2)(b).

§ 87(2)(b) stated that both officers approached her car on the driver's side to initiate the stop, and that she told Police Officer Rodriguez and Police Officer Boom that she wanted their names and shield numbers when the stop concluded. However, neither officer responded. When the officers returned with the summons, § 87(2)(b) asked for their names and shield numbers again. Police Officer Boom told § 87(2)(b) that his information was on the summons and that Police Officer Rodriguez did not have to provide her name or shield number. § 87(2)(b) responded that this was a lie and that since she had asked, Police Officer Boom and Police Officer

Rodriguez had to provide their names and shield numbers. One or both officers stated that they did not and § 87(2)(b) said okay.

Police Officer Boom denied hearing § 87(2)(b) ask for his name. He was never made aware of § 87(2)(b) asking for his name or shield number, and § 87(2)(b) never complained that she had not received his name or shield number.

Police Officer Rodriguez § 87(2)(g) denied hearing § 87(2)(b) request Police Officer Boom's name or shield number and was never made aware of § 87(2)(b) asking for Police Officer Boom's name or shield number.

§ 87(2)(b)'s videos do not capture the allegation, as they were filmed in § 87(2)(b)'s car while the officers were in their car and do not show either officer. Body-worn camera footage of the incident also does not capture the allegation. Both officers turned their cameras off after giving § 87(2)(b) her summons and beginning to walk away. § 87(2)(g)

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§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Adela Rodriguez refused to provide her name to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Adela Rodriguez refused to provide her shield number to § 87(2)(b)

It is undisputed that § 87(2)(b) asked for Police Officer Rodriguez's name while receiving her summons. It is further undisputed that Police Officer Rodriguez did not provide her name or shield number verbally during the incident, but that § 87(2)(b) was informed that Police Officer Rodriguez's name and shield number were on the summons.

§ 87(2)(b) stated that, even after being told that Police Officer Rodriguez's name and shield number were on the summons, she continued asking for this information, and that Police Officer Rodriguez verbally refused to provide her name and shield number multiple times.

Police Officer Rodriguez stated that she gave § 87(2)(b) the summons at the end of the car stop. When § 87(2)(b) asked Police Officer Rodriguez for her name and shield number, Police Officer Rodriguez responded that everything § 87(2)(b) needed was in the summons. § 87(2)(b) did not ask for Police Officer Rodriguez's information after receiving this response.

Police Officer Boom's testimony was consistent with Police Officer Rodriguez's.

The summons § 87(2)(b) received shows Police Officer Rodriguez's name on it. The summons does not show Police Officer Rodriguez's shield number, though it does show her tax ID number.

As previously mentioned, § 87(2)(b)'s videos do not capture the allegation, as they were filmed while the officers were in their car and do not show either officer. Once more, body-worn

camera footage of the incident also does not capture the allegation. Both officers turned their cameras off after giving § 87(2)(b) her summons and beginning to walk away, and apparently § 87(2)(b) asked for Police Officer Rodriguez's name and shield number after this point.

Patrol Guide Section 203-09 states that officers must provide their rank, name, shield number and command to anyone who requests that they do so.

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Adela Rodriguez failed to provide § 87(2)(b) with a business card.

Allegation (F) Abuse of Authority: Police Officer Michael Boom failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) alleged that she requested a Right to Know Act business card from both officers at the end of the incident. She allegedly made this request after they gave her the summons and refused to provide their names and shield numbers.

Both officers denied hearing this request and stated that they were never made aware that § 87(2)(b) requested a business card. Both officers denied hearing § 87(2)(b) complain about not receiving a business card.

As discussed, body-worn camera footage from the incident ends once the officers give § 87(2)(b) her summons and begin to walk back to their car, so it does not capture a request for the officers' business cards. § 87(2)(b)'s videos also do not capture a request for the business cards, because as discussed, these videos do not show the officers or § 87(2)(b)'s conversations with them.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s second complaint with the CCRB.
 - § 87(2)(b)
- This is the first CCRB complaint to which Police Officer Adela Rodriguez has been a subject.
- Police Officer Michael Boom has been a subject of one prior allegation in one case, which was not substantiated.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- On December 9, 2019, a request for any Notice of Claim filed by § 87(2)(b) in regard to the incident was submitted to the New York City Comptroller. Any response will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: _____

Investigator:

Signature

Print Title & Name

Date

Squad Leader:

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date